

MARCOS L. MUSQUEZ #CVN338
885 N. SAN PEDRO ST.
SAN JOSE, CA 95110
#05036797

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MARCOS L. MUSQUEZ,
Plaintiff,

vs.

CAPT. D SEPULVEDA IN HIS)
INDIVIDUAL AND OFFICIAL)
CAPACITIES AS FACILITY)
COMMANDER OF SANTA CLARA)
COUNTY DEPT. OF CORRECTIONS;)
MAIN JAIL; CUSTODIAL OFFICER)
DOMINGUEZ IN HIS INDIVIDUAL)
AND OFFICIAL CAPACITIES;)
CUSTODIAL OFFICER CORTEZ IN)
HIS INDIVIDUAL AND OFFICIAL)
CAPACITIES; CUSTODIAL OFFICER)
MACHADO IN HER INDIVIDUAL)
AND OFFICIAL CAPACITIES AND)
CUSTODIAL OFFICER # 1979 IN)
HIS/HER INDIVIDUAL AND)
OFFICIAL CAPACITIES,)
Defendants.)

Civil Action No. C-07-5966 VRW (PR)

FIRST AMENDED COMPLAINT

COMPLAINT

I. JURISDICTION

1) This Court has jurisdiction over plaintiff's federal claims pursuant to 28 U.S.C. §§ 1331 and 1343 (a) (3). If applicable, this Court has jurisdiction over plaintiff's state-law claims pursuant to 28 U.S.C. § 1367.

FILED
APR - 4 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

II. VENUE

2) The Northern District of California is an appropriate venue under 28 U.S.C. § 1391 (b) (2) because a substantial part of the events or omissions giving rise to the claims occurred in this district.

III. PARTIES

3) Plaintiff, Marcos L. Musquez is a pretrial detainee at Santa Clara County Dept. of Corrections (hereafter " DOC ").

4) Defendant Capt. D Sepulveda is responsible for day to day operations of Santa Clara County DOC, main jail, who oversees, gives orders to, and /or disciplines officials under his authority. He is sued in his individual and official capacities.

5) Defendant Custodial Officer, (hereafter " CO "), Dominguez is employed at the DOC. He is sued in his individual and official capacities.

6) Defendant C.O. Cortez is employed at the DOC. He is sued in his individual and official capacities.

7) Defendant C.O. Machado is employed at DOC. She is sued in her individual and official capacities.

8) C.O. # 1979 is employed at the DOC. He/She is sued in his/her individual and official capacities.

9) At all time relevant to the events described herein, all defendants have acted under color of state law.

IV. FACTUAL ALLEGATIONS

Deprivation of Constitutional Rights

10) Plaintiff has been subjected to continuous violations to his protected...

1 Constitutional Rights by being deprived of his due process liberty inte-
 2 rest by the staff, C.O.'s, at Santa Clara County DOC main jail. Plaintiff
 3 has been subjected to Intentional withholding of his duly auth-
 4 orized mail, newspapers and legal mail. The C.O. listed under
 5 " Parties " have collectively destroyed/delayed and defaced
 6 plaintiff's USA Today on numerous occasions, not delivered hi
 7 s subscription of Skin and Ink magazine, intercepted outgoing
 8 personal mail to plaintiffs' family on numerous occasions, not
 9 delivered legal mail from the United States District Court
 10 (Northern District of California), and processed incoming
 11 legal mail (returned), as normal mail on an occasion.

12 ONGOING VIOLATIONS TO PLAINTIFF'S CONSTITUTIONAL RIGHT

13 11) Although plaintiff has filed numerous administrative
 14 grievances regarding the violation(s) mentioned in #10, defe-
 15 ndant's continue to deprive plaintiff of his mail and still
 16 display a behavioral pattern of depriving plaintiff of his
 17 duly authorized mail, newspapers...et cetera.

18 EXHAUSTION

19 12) Plaintiff has exhausted all available administrative
 20 remedies regarding the matters described in this complaint.
 21 Plaintiff filed grievances # 68876 on 3/29/07 regarding his
 22 magazine (Skin and Ink), not being delivered, his USA Today
 23 newspapers being defaced and not delivered and his outgoing
 24 mail (2) affidavits being intercepted by C.O. and not delive-
 25 red. Grievance #71282 dated 11/3/07 is in regards to plainti-
 26 ffs' newspaper USA Today not being delivered to him for the
 27 dates of Oct. 17,2007, Oct. 18,2007, Oct. 19,2007 and Oct.
 28 20 and 21,2007. Grievance #712821 is regarding legal mail
 not being delivered to him . The legal mail in question was
 regarding Federal Civil matter C-07-0318 VRW mailed to the
 plaintiff on or about Oct. 15, 2007.

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1 13) Grievance #71863 dated Jan. 1/12/2008 pertains to plai-
2 ntiff not receiving his subscription to the San Jose Mercury
3 News on the dates Jan. 8,9,10 and 11, 2008. When plaintiff did
4 receive his newspaper, it was defaced by C.O. machado by usi-
5 ng her boot to kick plaintiffs' newspaper under the door thus
6 defacing each of the above-mentioned newspapers. Grievance#
7 72370 dated 2/15/2008 is in regard to plaintiff not receiving
8 his newspaper (Mercury News), for the date of Jan. 23,2008,
9 Feb.10,2008 and Feb. 13 and 14, 2008. Exhibits (A) and (B)
10 are true copies of billing statements for the subscriptions
11 to Skin and Ink magazine. Exhibit (C) is a true copy of fur-
12 ther evidence that plaintiffs' outgoing legal mail is being
13 opened and tampered with prior to leaving the facility.
14 Exhibit (D) is a true copy of returned letter to plaintiff
15 from a legal entity (Geri Lynn Green), attorney at law that
16 was processed as regular mail, inspected and the contents of
17 the mail were missing when delivered back to plaintiff.

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V. CAUSE OF ACTION

14) Plaintiff support the following claims by reference to
the previous paragraphs of this complaint.

Count I

15) Defendant Capt. D Sepulveda failure to supervise his
officials at Santa Clara County Main Jail under his author-
ity has proximately caused plaintiffs' duly authorized mail
to be deprived from plaintiff and continuous deprivation
of plaintiffs' right under the Due Process Clause of the
Fourteenth Amendment of the United States Constitution and
violation of plaintiffs' U.S. Const. First Amendment right
to send and receive mail.

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Count II

1 16) C.O. Dominguez intentional withholding of plaintiffs'
2 mail and USA Today newspaper has proximately caused plaintiff
3 monetary loss and deprived plaintiff of his right under the
4 Due Process Clause of the Fourteenth Amendment of the United
5 States Const. and further violated plaintiffs' U.S. First
6 Amendment right to send and receive mail.

7 Count III

8 17) C.O. Cortez intentional withholding of plaintiffs' mail
9 and newspaper and intentionally defacing plaintiffs' newspa-
10 per has proximately caused plaintiff monetary loss and depr-
11 ived plaintiff of his right under the Due Process Clause of
12 the Fourteenth Amendment of the U.S. Const. and further dep-
13 rived plaintiffs' First Amendment right to send and receive
14 mail, newspapers...et cetera.

15 Count IV.

16 18) C.O. Machado intentionally defaced and withheld plaint-
17 iffs newspaper on more than one occasion. Such acts proxim-
18 ately caused plaintiff monetary loss and deprived plaintiff
19 of his right under the Due Process Clause of the Fourteenth
20 Amendment of the U.S. Const. and further proximately caused
21 the deprivation of plaintiffs First Amendment right to send
22 and receive mail, newspapers...et cetera.

23 Count V.

24 19) C.O. # 1979 intentionally withheld plaintiffs newspaper
25 . Such acts proximately caused plaintiff monetary loss and
26 deprived plaintiff of his right under the Due Process Clause
27 of the Fourteenth Amendment of the U.S. Const. and further
28 proximately caused the deprivation of plaintiffs First
Amendment right to send and receive mail, newspapers...et

1 cetera.

2 20) If this Court grants this FAC, plaintiff will be able
3 to specifically link each named defendant via discovery.
4

5 WHEREFORE, plaintiff respectfully prays that this Court;
6

7 1) Declare that the acts and omissions described herein
8 violated plaintiffs' rights under the Constitutional and la-
9 ws of the United States.

10 2) Plaintiff further request nominal damages in the amou-
11 nt of one thousand dollars (1,000.00). Plaintiff further
12 requests compensatory, and punitive damages, as allowed by
13 law, against each defendant, jointly and severally in the
14 amount of ten thousand dollars (10,000.00), for the del-
15 iberate, intentional, sadistic destruction and withholding
16 of plaintiffs' mail, newspapers and magazines and further
17 relief this Court may deem just and proper.

18 Respectfully submitted this 2 day of April, 2008.

19 M. L. Musquez
20 Marcos L. Musquez #CVN338
21 885 N. San Pedro St.
22 San Jose, California 95110
23 #05036797

24 VERIFICATION

25 Pursuant to 28 U.S.C. § 1746, I declare and verify under
26 penalty of perjury under the laws of the United States of
27 America that the foregoing is true and correct. Executed
28 on April 2, 2008.

M. L. Musquez
Marcos L. Musquez

Main Jail ☒
Main Jail South ☐
North County Jail ☐

SANTA CLARA COUNTY DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM

Elmwood ☐
CCW ☐
WRC ☐

68876

INMATE'S NAME: <u>Musquez Marcus</u>	BOOKING NUMBER: <u>05036797</u>	HOUSING UNIT: <u>5B-06</u>
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DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC! In re: 07-5966 C-07-0318. There is a ongoing problem with my mail being not delivered to me. Specifically, (2) two Affidavits + (5) magazines, Skin + Ink. Recently, I have not received my newspaper USA TODAY on 3/23/07, 2/25/07 and another issue in the month of March. In addition, when I do receive my newspaper, the front page has a large section torn out of it making it unreadable.

WHAT SOLUTION ARE YOU RECOMMENDING?: As stipulated in (Fed Civ) C-07-0318

Your Signature: M. Musquez Date: 3/29/07 Time: 4 AM (PM)
(Do NOT write below this line. Use additional sheets if necessary)

Received from Inmate on:
Day: Thurs Date: 3/29/07 Time: 1710 Officer: Minassian #2682 Team: B

RESPONDING OFFICER'S STATEMENT (Please print): Will Refer to The mail Room

☐ Resolved ☒ Refer to Level II

Officer's Name: Minassian #2682 Team: B Date: 03/29/07

SUPERVISOR'S ACTION: See response below.

☒ Resolved ☐ Refer to Level III

Supervisor's Name: _____ Team: _____ Date: ____/____/____

SHIFT LIEUTENANT REVIEW: ☐ Concur ☐ Reversed

SIGNATURE: _____ Date: ____/____/____ Time: ____:____:____

SUPPORT SERVICE RESPONSE: Unit Assigned: Inmate Services Date Assigned: ____/____/____
Date Due: 04/05/07

We do not hold any mail. Also USA magazine 3/23/07 was deliver it on 3/28/07 to your cell. Magazine date it 2/25/07 not located contact your publisher. I

Response by: [Signature] Title: CSA Date: 4/15/07 Time: 0130

FACILITY COMMANDER/DESIGNEE REVIEW: ☒ Concur ☐ Reversed

SIGNATURE: [Signature] Date: 4/16/07 Time: 0735

RESPONSE RETURNED TO INMATE: Date: 04/16/07 Time: ____ By: [Signature]
Distribution: White-Administration Canary-Inmate (Final Disposition) Pink-Inmate (Initial Receipt)

Main Jail ☒
 Main Jail South ☐
 North County Jail ☐

SANTA CLARA COUNTY DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM

Elmwood ☐
 CCH ☐
 WRC ☐

71282

INMATE'S NAME: <u>Maximo Marcos</u>	BOOKING NUMBER: <u>0503 6799</u>	HOUSING UNIT: <u>5B/06</u>
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DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC! I did not receive my news paper (USA TODAY) on Oct 17th thru the 21st. On file, are several grievances regarding missing newspapers; delayed newspaper et cetera Capt. Sepulveda + County Counsel Mark Bernal were notified on 11/2/07.

WHAT SOLUTION ARE YOU RECOMMENDING? That my duly authorized mail be delivered

Your Signature: [Signature] Date: 11/13/07 Time: 5 AM/PM
 (Do NOT write below this line. Use additional sheets if necessary)

Received from Inmate on:
 Day: SATURDAY Date: 11/13/07 Time: 1724 Officer: Flores #2712 Team: B

RESPONDING OFFICER'S STATEMENT (Please print): REFER TO MAIL ROOM

☐ Resolved ☒ Refer to Level II

Officer's Name: _____ Team: _____ Date: _____

SUPERVISOR'S ACTION: Our Records show that on 10-15-07 you received

the USA TODAY Newspapers for 10-19 10-20 & 10-21/07. These

papers were delivered to Officer #1979

☒ Resolved ☐ Refer to Level III

Supervisor's Name: BECERRA Team: _____ Date: 11/14/07

SHIFT LIEUTENANT REVIEW: ☐ Concur ☐ Reversed

SIGNATURE: _____ Date: _____ Time: _____

SUPPORT SERVICE RESPONSE: Unit Assigned: Inmate Date Assigned: _____

Date Due: 11/16/07 Services

Response by: _____ Title: _____ Date: _____ Time: _____

FACILITY COMMANDER/DESIGNEE REVIEW: ☒ Concur ☐ Reversed

SIGNATURE: Lt. Hoyt #211 Date: 11/16/07 Time: 2630

RESPONSE RETURNED TO INMATE: Date: 11/19/07 Time: _____ By: _____

Distribution: White-Administration Canary-Inmate (Final Disposition) Pink-Inmate (Initial Receipt) (2A)

Main Jail ☒
 Main Jail South ☐
 North County Jail ☐

SANTA CLARA COUNTY DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM

Elwood ☐
 CMC ☐
 WRC ☐

71281

INMATE'S NAME: <u>Mosquera Marcos</u>	BOOKING NUMBER: <u>0503 6797</u>	HOUSING UNIT: <u>5B/16</u>
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DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC!: On 11/1/07 I spoke w/ the clerk of the court in U.S. Fed District of Northern California for Chief Judge Vaughn R. Walker. I was told that a letter or "legal mail" was sent to me on 10/15 by the court. I never signed or received this legal mail. Capt. Sepulveda + Mr. Mark Bernal (County Counsel) were notified

WHAT SOLUTION ARE YOU RECOMMENDING?: That this no longer occur and be investigated

Your Signature: [Signature] Date: 11/3/07 Time: 5 AM/PM

(Do NOT write below this line. Use additional sheets if necessary)

Received from Inmate on:
 Day: SATURDAY Date: 11/3/07 Time: 1724 Officer: FIGUEROA # 2712 Team: B

RESPONDING OFFICER'S STATEMENT (Please print): REFER TO MAIL ROOM

☐ Resolved ☒ Refer to Level II

Officer's Name: _____ Team: _____ Date: 1/1/

SUPERVISOR'S ACTION: Our Records indicate that you received Legal Mail ON 10-25-07 from County of Santa Clara.

☐ Resolved ☐ Refer to Level III

Supervisor's Name: BECKER Team: Inmate Services Date: 11/14/07

SHIFT LIEUTENANT REVIEW: ☐ Concur ☐ Reversed

SIGNATURE: _____ Date: 1/1/ Time: _____

SUPPORT SERVICE RESPONSE: Unit Assigned: Inmate Services Date Assigned: 1/1/
 Date Due: 11/10/07

Response by: _____ Title: _____ Date: 1/1/ Time: _____

FACILITY COMMANDER/DESIGNEE REVIEW: ☒ Concur ☐ Reversed

SIGNATURE: H. Hout Date: 11/16/07 Time: 2030

RESPONSE RETURNED TO INMATE: Date: 11/19/07 Time: _____ By: [Signature] (2A)

Distribution: White-Administration ☐ Cafeteria-Inmate (Final Disposition) ☐ Pink-Inmate (Initial Receipt) ☐ (3A)

Main Jail ☒
 Main Jail South ☐
 North County Jail ☐

SANTA CLARA COUNTY DEPARTMENT OF CORRECTION
 INMATE GRIEVANCE FORM

Elmwood ☐
 CCM ☐
 WRC ☐

INMATE'S NAME: <u>Musquero, Marcos</u>	BOOKING NUMBER: <u>0503 6797</u>	HOUSING UNIT: <u>5B 38</u>
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DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC!: In accordance with CV-07-5966 (see

attached) my subscription to the Mercury News has been
intentionally delayed. As of today's date I have not received
the following newspapers... Jan 10, 08, Jan 11, 08, Jan 8, 08, and
Jan 9th and 12th. As described in the filed complaint
my mail should not be delayed or destroyed forthwith (14th Amend)
be delayed cont.

WHAT SOLUTION ARE YOU RECOMMENDING?: 1/8/08, 1/9/08, 1/10/08, 1/11/08, 1/12/08 no longer

Your Signature: M. 7 Date: 1/12/08 Time: 5 AM/PM

(Do NOT write below this line. Use additional sheets if necessary)

Received from Inmate on:

Day: THURSDAY Date: 01/12/08 Time: 0800 Officer: MACHADEL 2706 Team: 1

RESPONDING OFFICER'S STATEMENT (Please print):

☒ Resolved ☐ Refer to Level II

Officer's Name: _____ Team: _____ Date: ____/____/____

SUPERVISOR'S ACTION: _____

☐ Resolved ☐ Refer to Level III

Supervisor's Name: _____ Team: _____ Date: ____/____/____

SHIFT LIEUTENANT REVIEW: ☐ Concur ☐ Reversed

SIGNATURE: _____ Date: ____/____/____ Time: _____

SUPPORT SERVICE RESPONSE: Unit Assigned Inmate SVC Date Assigned: ____/____/____

Date Due: 01/19/08

OUR RECORDS SHOWED THAT 1/9/08 AND 1/11/08 WAS DELIVERED
ON 1/12/08. 1/10/08 WAS DELIVERED ON 1/15/08. 1/12/08 AND 1/14/08
WAS DELIVERED 1.14.08

Response by: CSA OLIVA Title: CSA Date: 1/18/08 Time: 1900 HRS

FACILITY COMMANDER/DESIGNEE REVIEW: ☒ Concur ☐ Reversed

GETTING A NEWSPAPER THROUGH THE MAIL SOMETIMES CAUSES A DELAY OF A FEW DAYS.

SIGNATURE: _____ Date: 1/23/08 Time: 0428

RESPONSE RETURNED TO INMATE: Date: 01/25/08 Time: _____ By: _____

Distribution: White-Administration Canary-Inmate (Final Disposition) Pink-Inmate (Initial Receipt)

Cont.

Any further delays in my duly authorized mail will lead to a preliminary injunction to be filed, sanctions and I will add all names (C.O.'s - GSA's) to the complaint on the applicable shifts that my newspapers have been missing.

/s/

Marcos L. Musquiz

Main Jail ☒
 Main Jail South ☐
 North County Jail ☐

SANTA CLARA COUNTY DEPARTMENT OF CORRECTION
 INMATE GRIEVANCE FORM # 72195

Elmwood ☐
 CCW ☐
 WRC ☐

INMATE'S NAME: <u>Musquez Marcos</u>	BOOKING 0503 NUMBER: <u>677</u>	HOUSING UNIT: <u>SB-38</u>
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DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC!: As of todays date 2/2/08
I have not received my subscription of
Mercury News dated 1-23-08

WHAT SOLUTION ARE YOU RECOMMENDING?:

Your Signature: _____ Date: 2/3/08 Time: 9 AM (PM)

(Do NOT write below this line. Use additional sheets if necessary)

Received from Inmate on:

Day: Saturday Date: 02/02/08 Time: 2000 Officer: Guila #2018 Team: D

RESPONDING OFFICER'S STATEMENT (Please print):

☐ Resolved ☒ Refer to Level II

Officer's Name: _____ Team: _____ Date: ____/____/____

SUPERVISOR'S ACTION:

☐ Resolved ☐ Refer to Level III

Supervisor's Name: _____ Team: _____ Date: ____/____/____

SHIFT LIEUTENANT REVIEW: ☐ Concur ☐ Reversed

SIGNATURE: _____ Date: ____/____/____ Time: ____:____

SUPPORT SERVICE RESPONSE: Unit Assigned: Inmate Svcs Date Assigned: ____/____/____

Date Due: 02/10/08

IT USUALLY TAKE A WHILE TO RECEIVE YOUR FIRST ISSUE OF SAN JOSE MERCURY
NEWS ONCE YOU PLACE YOUR ORDER! CHECK BACK W/ THE NEWSPAPER CO.

Response by: Villanueva Title: CA Date: 2/6/08 Time: 10:3

FACILITY COMMANDER/DESIGNEE REVIEW: ☒ Concur ☐ Reversed

SIGNATURE: L. Hoyt x211 Date: 2/7/08 Time: 2149

RESPONSE RETURNED TO INMATE: Date: 02/11/08 Time: ____ By: ____

Distribution: White-Administration Canary-Inmate (Final Disposition) Pink-Inmate (Initial Receipt)

Main Jail ☒
Main Jail South ☐
North County Jail ☐

SANTA CLARA COUNTY DEPARTMENT OF CORRECTION
INMATE GRIEVANCE FORM

(ma.1)

Elmwood ☐
CCW ☐
WRC ☐

INMATE'S
NAME:

MUSQUEA, MARCOS

BOOKING 0503
NUMBER: 6797

HOUSING 5B / 38
UNIT:

DETAILS OF GRIEVANCE. PRINT! BE SPECIFIC! To coincide with grievance # 72195, as of

today's date 2/14/08, I still have not received my Mercury News paper dated 1-23-08. Also, as of today's date I have NOT received my Mercury News paper date(s) 2-10-08, 2-11-08, 2-12-08, 2-13-08, and 2-14-08. My papers are obviously being delayed in the mail room because when I do receive my papers I receive them in a bunch ranging from 3 to 5 days @ one time.

WHAT SOLUTION ARE YOU RECOMMENDING? That my missing paper 1/23/08 be reimbursed and this intentional delay of my mail stop.

Your Signature: [Signature]

Date: 2/15/08 Time: 10 AM/PM

(Do NOT write below this line. Use additional sheets if necessary)

Received from Inmate on:

Day: Friday Date: 2/15/08 Time: 2226 Officer: Hosin #2361 Team: A

RESPONDING OFFICER'S STATEMENT (Please print):

☐ Resolved ☒ Refer to Level II

Officer's Name: _____ Team: _____ Date: ____/____/____

SUPERVISOR'S ACTION:

☐ Resolved ☐ Refer to Level III

Supervisor's Name: _____ Team: _____ Date: ____/____/____

SHIFT LIEUTENANT REVIEW: ☐ Concur ☐ Reversed

SIGNATURE: _____ Date: ____/____/____ Time: _____

SUPPORT SERVICE RESPONSE: Unit Assigned: Inmate Svc Date Assigned: ____/____/____
Date Due: 2/22/08

Mercury News were received and delivered to your room.

1/23/08 - receive it - 1/29/08

2-11-08 - receive it on 2/12/08 2/12/08 2/13/08 2/14/08 } receive it on 2/16/08.

Response by: SCA Title: O-A Date: 2/29/08 Time: 1600 HRS.

FACILITY COMMANDER/DESIGNEE REVIEW: ☒ Concur ☐ Reversed

PAPERS ARE DELIVERED AS THE ARE RECEIVED.

SIGNATURE: [Signature] Date: 3/5/08 Time: 0753

RESPONSE RETURNED TO INMATE: Date: 3/5/08 Time: By: _____

Distribution: White-Administration Canary-Inmate (Final Disposition) Pink-Inmate (Initial Receipt)

Has been reviewed by Inmate #72195

Amazon.com - Order 002-4991822-0632850

Page 1 of 2

amazon.com

Elizab...
Amazon.comSee All 36
Product Categories

Your Account |



Cart |

Your Lists



| Help |



Search Amazon.com



Find Gifts



Web Search

**Your Account > Where's My Stuff? > Order Summary****When will your items arrive?****Shipment #1:** 1 item - delivery estimate: May 25, 2006 - June 26, 2006**Order Placed:** February 25, 2006**Amazon.com order number:** 002-4991822-0632850**Order Total:** \$17.95**☒ Shipment #1: Shipped on March 1, 2006****Need to modify this subscription?****Delivery estimate:** May 25, 2006 - June 26, 2006 ([More about estimates](#))

1 package via US First Class

Shipping Address:Main Jail -05036797
Marcos Musquez CVN338
885 N San Pedro St
San Jose, CA 95110-1718
United States**Items Ordered**1 of: **Skin & Ink [MAGAZINE SUBSCRIPTION]**
[Magazine]

Sold by: Amazon.com

- 1 Item(s) Gift options: None

Price

\$17.95

Shipping Speed:

Standard Shipping

Exhibit (A)

Item(s) Subtotal: \$17.95

Shipping & Handling: \$0.00

Total Before Tax: \$17.95

Total for this Shipment: \$17.95**☒ Payment Information****Payment Method:**

Visa | Last 5 digits: 54879

Billing Address:

Elizabeth Zacarias

United States

Need to print an invoice?

Item(s) Subtotal: \$17.95

Shipping & Handling: \$0.00

Total Before Tax: \$17.95

Estimated Tax: \$0.00

Grand Total: \$17.95

Amazon.com - Order 002-4991822-0632850

Page 1 of 1



Final Details for Order #002-4991822-0632850

Print this page for your records.

Order Placed: February 25, 2006

Amazon.com order number: 002-4991822-0632850

Order Total: \$17.95

Shipped on March 1, 2006

Items Ordered

1 of: *Skin & Ink* [MAGAZINE SUBSCRIPTION]

Sold by: Amazon.com

Price

\$17.95

Shipping Address:

Main Jail -05036797

Marcos Musquez CVN338

885 N San Pedro St

San Jose, CA 95110-1718

United States

Item(s) Subtotal: \$17.95

Shipping & Handling: \$0.00

Total Before Tax: \$17.95

Total for this Shipment: \$17.95

Shipping Speed:

Standard Shipping

Payment Information

Payment Method:

Visa | Last 5 digits: 54879

Item(s) Subtotal: \$17.95

Shipping & Handling: \$0.00

Total Before Tax: \$17.95

Estimated Tax: \$0.00

Grand Total: \$17.95

Billing Address:

Elizabeth Zacarias

United States

Exhibit (B)

To view the status of your order, return to [Order Summary](#).

Please note: This is not a VAT invoice.

(Problems w/ mail)

Attn: Mr. Richard W. WIEKING

To: (Clerk) of Northern District Federal Court

In re: COT-318 VRW
Marcos L. Musquez

vs.

Santa Clara County Main Jail
Santa Clara County Valley Medical Center
Nurse (Kerri)

Lorin Horn, RN (Nurse Mgt.) et al.

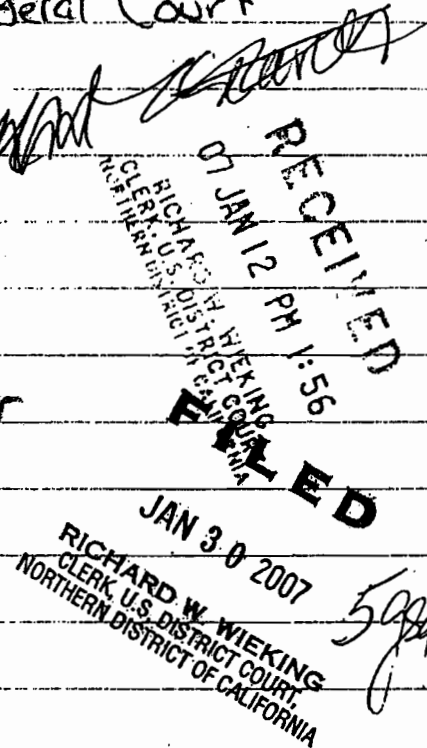
Dear Sir / Mam; Exhibit (C)

(One or about the date of January 4, 2007, I Marcos L. Musquez mailed to you a completed complaint by a prisoner under the Civil Rights Act, 42 U.S.C. § 1983 and an application to proceed In Forma Pauperis. Enclosed is the original form of "~~Certification of Prisoner's Account~~" that should have been included with the above-mentioned.

I apologize to the Court and Clerk for the delay and mix up. Thank you.

Regards,

me 7



JBLIC INTEREST LAW FIRM

Law Foundation of Silicon Valley
111 WEST ST. JOHN STREET, SUITE 315
SAN JOSE, CALIFORNIA 95113

UNITED STATES
174
3620 \$ 00.41
1426 MAILED FROM SAN JOSE 113

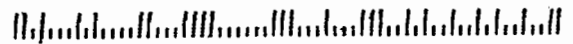
SB

(e)

Marcos L. Musquez
CVN 338
Main Jail
885 N. San Pedro Street
San Jose, CA 95110

CONFIDENTIAL LEGAL MAIL
ATTORNEY-CLIENT COMMUNICATION

33110+171B



(Received & logged as legal mail)

Exhibit (D)

M. Musquez CVN338
885 N. San Pedro St
San Jose, California
95110

SAN JO.

10 AUG 2001

#05036797

SB

ATTN:

Geri Lynn Green
Attorney at Law
1231 Market St
San Francisco, California

Legal Mail

COUNTY JAIL
GENERAL MAIL

Car. Init. 221
Date 3

☒ Forwarding Order Expired
☐ Unable To Forward
☐ Insufficient Address
☐ Moved, Left No Address
☐ Unclaimed ☐ Refused
☐ Attempted - Not Known
☐ No Such Street ☐ Number
☐ Vacant ☐ Illegible
☐ No Mail Receptacle
☐ Box Closed - No Order
☐ Returned For Better Address
☐ Postage Due

34103+1400

Mailed out a "Legal Mail"; Returned as regular mail
inspected and contents missing. Soon thereafter contacted

PROOF OF SERVICE / Certificate of Service

✓ I, ELIZABETH MURDER declare:

I am, and was at the time of the service hereinafter mentioned, over the age of 18 years and not a party of the above-entitled cause. My (residence or business) address is

✓ 549 BALTIC Way
SUNNYVALE CA
94089

and I am employed ~~in~~, or resident in, Santa Clara County, California.

On the date of, _____ I served the;

First Amended Complaint (Case No. C-07-5966 VRW)

by depositing a copy of the document(s) in the United States mail at (location) Enterprise San Jose, (city) San Jose _____,

Santa Clara County, California in a sealed envelope, with postage fully prepaid, addressed as follows:

U.S. District Court
Northern District of California
450 GOLDEN GATE Ave.
San Francisco, CA 94102

Office of County Counsel
County of Santa Clara
70 W. Hedding St., 9th Floor, East Wing
San Jose, CA 95110-1770

At the time of the mailing there was regular delivery of the United States mail between the place of deposit and the place of address.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

✓ Date: 4/3/08

✓ Elizabeth Murder
(Signature)

✓ ELIZABETH MURDER
(Print or typed name)

